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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,378	01/23/2004	Prasad V. Kothapalli	13914-035001 / 2003P00940	7610
32864	7590	05/09/2006	EXAMINER	
FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			ALLEN, WILLIAM J	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/763,378	Applicant(s) KOTHAPALLI ET AL.	
	Examiner William J. Allen	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application. The drawings (Figures 8-10) submitted on 1/23/2004 contain improper shading that may affect clarity once reproduced. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-8, 10, 12-13, 17-21, 23, and 25-26 are rejected under 35**

U.S.C. 102(b) as being anticipated by Centner et al (US 2002/0007324, herein referred to as Centner).

Regarding claim 1, Centner teaches:

creating a plurality of auction profiles, each of said plurality of auction profiles including a subset of rules from a plurality of auction rules (see at least: 0038-0039, 0041-0043); and

*assigning one of said plurality of auction profiles to an auction object (see at least: 0038-0039, 0041-0043). The Examiner notes that a buyer/requestor submits an RFQ (i.e. auction object) and assigns rules to the RFQ before the auction begins, thereby creating and assigning an *auction profile* to the RFQ.*

Regarding claim 2, Centner teaches:

wherein the auction rules control display of information to a plurality of bidders (see at least: 0041).

Regarding claims 3-7, Centner teaches:

(3) *wherein the information to display to a plurality of bidders comprises at least one of reserve price, rank, best bid, next bid value, first place flag, my bid, hide until first valid bid, company name bid history, price bid history, date/time bid history, show competitor's bids history, extension information, number of invited bidders, user name bid history, bid chart, bid volume chart, best bid by bidder chart, send chat, company best bid, overall best bid, bidder best bid, and bid validation (see at least: 0014, 0038-0043, Fig. 5(a)-5(c)).*

(4) further comprising: *conducting an auction based on said auction object (see at least: abstract, 0035).*

(5) *wherein said assigning is performed at an initiator site (see at least: 0038-0043, Fig. 1, 3, 4A).*

(6) further comprising: *at one or more bidder sites, displaying a graphical user interface having a configuration including display objects dictated by the auction rules (see at least: Fig. 1, 0038-0043).*

(7) wherein creating a plurality of auction profiles comprises selecting a subset of rules from a plurality of pre-configured auction rules (see at least: 0038-0039, 0041-0043). The Examiner notes that price transparency, event duration, time extension, minimum reserve price, etc. constitute pre-configures option rules from which the user can select the subset of desired rules.

Regarding claim 8, Centner teaches:

wherein assigning one of said plurality of auction profiles to an auction object comprises selecting an auction profile from among a plurality of pre-configured auction profiles (see at least: 0014). The Examiner notes that selecting from various RFQ formats constitutes pre-configured auction profiles.

Regarding claim 10, Centner teaches:

modifying the auction profile before the auction begins (see at least: 0036).

Regarding claims 12 and 13, Centner teaches:

(12) wherein the auction rules comprise bid validation rules (see at least: 0043, Fig. 4B).

(13) wherein the bid validation rule shows bid details only after a first acceptable bid is received (see at least: 0043, Fig. 4B). The Examiner notes that bid data is not shown until validated, thereby, until the first bid is validated its data is not shown.

Regarding claims 17-21, 23, and 25-26, the limitations set forth in claims 17-20, 23, and 25-26 closely parallel the limitations of claims 1-7, 10, and 12-13. claims 17-20, 23, and 25-26 are thereby rejected under the same rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Centner.

Regarding claims 9 and 22, Centner teaches all of the above and further teaches selecting from multiple RFQ formats such as reverse auction, sealed-bid quotation, double-blind bid, and variations thereof (see at least: 0014, 0018, 0027, 0041). Centner, however, does not expressly teach wherein the preconfigured auction profiles comprise English, rank-only, blind, and English company best bid. Though Centner does not expressly show the various preconfigured auctions, Centner does show RFQ formats such as reverse auction, sealed-bid quotation, double-blind bid, and variations thereof. These differences, however, are only found in the nonfunctional, descriptive material and are not functionally related to the substrate of the article of manufacture. Thus, this is descriptive material and does not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide any type of RFQ

formats/ auction profiles as shown by Centner because such data does not functionally relate to the substrate of the article of manufacture and merely labeling the different types RFQ format/ auction profiles from that in the prior art would have been obvious. See *In re Gulak* cited above.

5. Claims 11, 14-15, 24 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Centner in view of Gillman (US 2002/014767).

Regarding claim 11, Centner teaches all of the above and further teaches modifying information throughout the procurement process (see at least: 0011, 0013, 0043). Centner, however, does not expressly teach *modifying an auction profile during the auction*. Gillman teaches the buyer having the option of closing an option before the end time specified by the original RFQ form (see at least: 0045). In this case, the buyer modifies the rule designating the end time of the option (i.e. the *profile*) while the auction is still available. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Centner to have included *modifying an auction profile during the auction* as taught by Gillman in order to provide efficient handling of supplier quotations in a variety of bidding formats (see at least: Centner, abstract).

Regarding claims 14-15, Centner teaches all of the above and further teaches allowing multiple suppliers to register and make bids in a single auction (see at least:

Fig. 1, 4A-4D). Centner also teaches validating and checking whether the bid is lower than the current lowest price (see at least: Fig. 4b and 4D, elements 148 and 149). Centner, however, does not expressly teach *allowing multiple bidders from a company to bid in the same auction and validates each by checking whether the bid is lower than the current lowest bid of the bids by bidders within the company*. Gillman teaches *allowing multiple bidders from a company to bid in the same auction and validates each by checking whether the bid is lower than the current lowest bid of the bids by bidders within the company* (see at least: 0040). The Examiner further notes that the multi-users act as *individual competitors* within the same company (as recited in claim 15) in that each user maintains there individual homepage and places bids separate from those of other users. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Centner to have included *allowing multiple bidders from a company to bid in the same auction and validates each by checking whether the bid is lower than the current lowest bid of the bids by bidders within the company* as taught by Gillman in order to provide a system prevents bidders of the same supplier from bidding against one another, thereby maintaining the maximum profit achievable (see at least: Gillman, 0040).

Regarding claims 24 and 27-28, the limitations set forth in claims 24 and 27-28 closely parallel the limitations set forth in claims 11 and 14-15. Claims 24 and 27-28 are thereby rejected under the same rationale.

6. Claims 16 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Centner in view of Ellis et al. (US 6,954,733, herein referred to as Ellis).

Regarding claims 16 and 29, Centner teaches all of the above and further teaches suppliers submitting successively lower bids (see at least: 0043). Centner, however, does not expressly teach where the validation rule *forces* each bidder to submit a bid that is lower than a current lowest bid. Ellis teaches only accepting bids that meet or exceed the lowest offer price, effectively *forcing* the submitter to submit a bid with a lowest price(see at least: col. 7 lines 43-63). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Centner to have included where the validation rule *forces* each bidder to submit a bid that is lower than a current lowest bid as taught by Ellis in order to provide efficient handling of supplier quotations/bids in a variety of bidding formats (see at least: Centner, abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogesh Garg can be reached on (571) 272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William J. Allen
Patent Examiner
May 3, 2006

W. Allen
Primary Examiner